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SUGHRUE MION, PLLC 2100 Pennsylvania Avenue, N.W. Washington, DC 20037			EXAMINER COLAN, GIOVANNA B	
			ART UNIT 2162	PAPER NUMBER
			NOTIFICATION DATE 02/07/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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## Office Action Summary

Application No.

10/511,898

Applicant(s)

OFFREDO ET AL.

Examiner

Giovanna Colan

Art Unit

2162

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 July 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/20/2004</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. This action is issued in response to the Amendment filed on 07/09/2007.
2. Claims 1, 3, 5, 7, 9, and 15 – 18 were amended. No claims were canceled. No claims were added.
3. This action is made Final.
4. Claims 1 –18 are pending in this application.
5. Applicant's arguments with respect to amended claims 1, 3, 5, 7, 9, and 15 – 18 have been considered but are moot in view of the new ground(s) of rejection.

### *Specification*

6. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: with respect to claim 1, the term "physical computer-readable medium" lacks of antecedent basis in the specification. With respect to claims 1, 9, 15, 17, and 18, the limitation "the number and type of parameter of said at least one primary metarule are modifiable **without modifying the structure of said first table**" lacks of antecedent basis in the specification.

### *Claim Rejections - 35 USC § 112*

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 1 – 18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The limitation “the number and type of parameter of said at least one primary metarule are modifiable **without modifying the structure of said first table**” (recited in claims 1, 9, 15, 17, and 18) was not described in the specification.

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 1 – 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to the limitation “said first table is structured such that the number and type of parameter of said at least one primary metarule are modifiable without modifying the structure of said first table” (recited in claims 1, 9, 15, 17, and 18), it is unclear whether the structure is modified or not. For example, it is unclear how those number and type of parameters (which are part of the structure of the table) are modifiable while the structure of the table is not. Applicant pointed out to page 15 of the specification of the disclosure to support the amended limitation. However, the

specification of the disclosure does not provide a clear support of the amended limitation (See also 112, 1<sup>st</sup> paragraph rejection in this Office Action).

***Claim Rejections - 35 USC § 101***

11. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1 – 8 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Applicant has not provides an explicit and deliberate (i.e., limiting) definition for the term “physical computer-readable medium”. Therefore, claims 1 - 8 are rejected as failing to be limited to embodiments which fall within a statutory category.

***Claim Rejections - 35 USC § 102***

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

13. Claims 1 – 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Coss et al. (Coss hereinafter) (US Patent No. 6,170,012 B1).

Regarding Claim 1, Coss discloses a data processing device, including computer-executable instructions stored on a physical computer-readable medium, installed in a data processing server, said device comprising:

a first table storing sets of at least one primary rule, called "primary metarules", in a parameterizable form and in corresponding relationship to primary identifiers and (Fig. 3, Col. 2 and 4, lines 37 – 41 and 1 – 6; Coss discloses dynamic rules which values, such as, host, can be modified; which corresponds to a parameterizable form as claimed; respectively, Coss); and

management means which is coupled to control means of said data processing server and, on receipt of auxiliary data representing operating parameters delivered by said control means after reception by the data processing server of secondary data (Col. 5, lines 35 – 41, Coss), selects at least one of the primary identifiers in the first table (Col. 5, lines 43 – 46, Coss) and associates said auxiliary data therewith so as to define said dedicated processes of said control means (Col. 4 and 5, lines 3 – 6 and 35 – 40; respectively, Coss);

wherein said control means applies said defined dedicated processes to process primary data received by said data processing server, said data processing server transmitting said primary data based on said processing (Col. 5, lines 43 – 46, Coss); and

said first table is structured such that the number and type of parameters of said at least one primary metarule are modifiable without modifying the structure of said first table (Col. 4, lines 1 – 14, Coss).

Regarding Claim 2, Coss discloses a device, further comprising a second table accessible to said management means in which are stored secondary identifiers each in corresponding relationship to at least one selected primary identifier associated with auxiliary data (Fig. 3 and 4, Col. 5, lines 51 – 57; wherein the rule no. in table of Fig. 4 corresponds to rule no. in table of Fig. 5, Coss).

Regarding Claim 3, Coss discloses a device, wherein said management means, on receipt of said auxiliary data, determine whether the at least one selected primary identifiers corresponding to the type of said auxiliary data is present in the secondary table (Fig. 4, Col. 5, lines 43 – 47 and 51 – 53, Coss), and associate the at least one selected primary identifier with new auxiliary data so as to adapt said dedicated processes (Col. 5, lines 53 – 59, Coss).

Regarding Claim 4, Coss discloses a device, wherein certain selected primary metarules in the second table are grouped into secondary metarules represented by secondary identifiers (Col. 5, lines 1 – 7, Coss).

Regarding Claim 5, Coss discloses a device, wherein said management means comprise a multiplicity of management submodules each of which manage the association of auxiliary data with at least one primary or secondary metarule (Col. 4 and 5, lines 3 – 6 and 35 – 40; respectively, Coss) and on receipt of said auxiliary data, to determine which of said management submodules corresponds thereto (Col. 5, lines 43 – 46, Coss).

Regarding Claim 6, Coss discloses a device, wherein that said management means are adapted, on receipt of said auxiliary data communicated by the server, to add, delete or modify primary or secondary metarules or auxiliary data in the second table associated with said primary or secondary metarules (Col.8, lines 34 – 36 and 41 – 44, Coss).

Regarding Claim 7, Coss discloses a device, wherein that said management means and said tables are part of a metafirewall which manages a firewall equipping said server (Col. 1 and 2, lines 63 – 67 and 1 – 3; respectively, Coss).

Regarding Claim 8, Coss discloses a firewall comprising a device (Col. 1 and 2, lines 63 – 67 and 1 – 3; respectively, Coss).

Regarding Claim 9, Coss discloses a data processing method, comprising:



storing in a first table sets of at least one primary rule, called "primary metarules", in a parameterizable form and in corresponding relationship to primary identifiers (Fig. 3, Col. 2 and 4, lines 37 – 41 and 1 – 6; Coss discloses dynamic rules which values, such as, host, can be modified; which corresponds to a parameterizable form as claimed; respectively, Coss);

on receipt of auxiliary data representing operating parameters delivered by the server after the receipt of secondary data (Col. 5, lines 35 – 41, Coss), selecting at least one of the primary identifiers in the first table (Col. 5, lines 43 – 46, Coss);

associating said auxiliary data with said selected primary identifier so as to define said dedicated processes of said control means (Col. 4 and 5, lines 3 – 6 and 35 – 40; respectively, Coss); and

applying said dedicated processes based on primary rules to process primary data received by said data processing server, and transmitted by said data processing server based on said processing (Col. 5, lines 43 – 46, Coss); and

wherein said first table is structured such that the number and type of parameters of said at least one primary metarule are modifiable without modifying the structure of said first table (Col. 4, lines 1 – 14, Coss).

Regarding Claim 10, Coss discloses a method, characterized in that, wherein during the preliminary step, secondary identifiers each in corresponding relationship to at least one selected primary identifier associated with auxiliary data are stored in a

second table (Fig. 3 and 4, Col. 5, lines 51 – 57; wherein the rule no. in table of Fig. 4 corresponds to rule no. in table of Fig. 5, Coss).

Regarding Claim 11, Coss discloses a method, wherein on receipt of the auxiliary data, it is determined whether the at least one selected primary identifiers that corresponds to the type of auxiliary data is present in the second table (Fig. 4, Col. 5, lines 43 – 47 and 51 – 53, Coss), and to associate the at least one selected primary identifier with new auxiliary data so as to adapt said dedicated processes (Col. 5, lines 53 – 59, Coss).

Regarding Claim 12, Coss discloses a method, wherein certain primary metarules in the second table are grouped into secondary metarules represented by secondary identifiers (Col. 5, lines 1 – 7, Coss).

Regarding Claim 13, Coss discloses a method, wherein there are executed in parallel the selection of the primary or secondary metarules in the first table (Col. 5, lines 43 – 46, Coss) and the modification of the auxiliary data in the second table associated with the secondary identifier representing the selected primary or secondary metarules (Col.8, lines 34 – 36 and 41 – 44, Coss).

Regarding Claim 14, Coss discloses a method, wherein, on receipt of complementary data communicated by said server, primary or secondary metarules are

added to, deleted from or modified in the second table (Col.8, lines 34 – 36 and 41 – 44, Coss).

Regarding Claim 15, Coss discloses a network data processing device, comprising:

a network data processing module (Col.3, lines 20 – 22, Coss); and

a management module coupled to said network data processing module, said management module comprising a first memory containing a first table (Fig. 3, Col. 3 and 4, lines 66 – 67 and 1; respectively, Coss), said first table containing primary identifiers associated with at least one parameterized rule (Col.4, lines 1 – 6, Coss) for providing direction to said network data processing module when one or more of said primary identifiers and said at least one parameterized rule are associated with at least one parameter value (Col.4, lines 1 – 6, "... designations of source and destination hosts, a designation of special service which can be called for in a packet..."; Coss<sup>1</sup>);

wherein said network data processing module, in response to receiving said direction, manages network data according to said direction (Col.4, lines 22 – 26, Coss); and

said first table is structured such that the number and type of parameters of said at least one parameterized rule are modifiable without modifying the structure of said first table (Col. 4, lines 1 – 14, Coss).

Regarding Claim 16, Coss discloses a device, said management module further comprising a second memory containing a second table, said second table containing secondary identifiers associated with at least one of said primary identifiers and one or more respective parameter values (Fig. 3 and 4, Col. 5, lines 51 – 57; wherein the rule no. in table of Fig. 4 corresponds to rule no. in table of Fig. 5, Coss).

Regarding Claim 17, Coss discloses a method of processing network data, comprising:

storing as entries in a first table, primary identifiers, each with one or more associated parameterized rules (Fig. 3, Col. 3 and 4, lines 66 – 67 and 1; respectively, Coss);

receiving data comprising at least one parameter value (Col. 4, lines 8 – 11 and 26 – 29, Coss); and

making a determination whether said parameter value can be associated with an existing one of the entries in said first table (Col. 4, lines 22 – 29, Coss);

when the determination is affirmative, making a combination of said parameter value and said associated parameterized rules, and communicating said combination to a network data processing module so as to direct the management of network data by said network data processing module (Col. 5, lines 35 – 48; wherein the step of caching the results of applying the rule set to a packet of a give network session corresponds to

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<sup>1</sup> Coss discloses dynamic rules which values, such as, host, can be modified; which corresponds to a parameterizable form as claimed (Col. 2, lines 37 – 41, Coss).

the step of making a combination of said parameter value and said associated parameterized rules as claimed, Coss).

wherein said first table is structured such that the number and type of parameters of said associated parameterized rules are modifiable without modifying the structure of said first table (Col. 4, lines 1 – 14, Coss).

Regarding Claim 18, Coss discloses a method of processing network data, comprising:

storing as entries in a first table, first primary identifiers, each with one or more associated parameterized rules (Fig. 3, Col. 3 and 4, lines 66 – 67 and 1; respectively, Coss);

storing as entries in a second table, secondary identifiers, each with one or more associated second primary identifiers and one or more associated parameter values (Fig. 3 and 4, Col. 5, lines 51 – 57; wherein the rule no. in table of Fig. 4 corresponds to rule no. in table of Fig. 5, Coss);

receiving data comprising at least one new parameter value (Col. 6, lines 30 – 34, Coss);

determining at least one associable second primary identifier which said new parameter value can be associated with (Col. 6, lines 41 – 44, Coss);

storing said new parameter value in association with said associable second primary identifier (Col. 6, 44 – 47, Coss);

determining current associated parameter values and corresponding parameterized rules for each of said secondary identifiers (Col. 6, lines 50 – 53, Coss);

making a combination said current associated parameter values and said corresponding parameterized rules for directing said network data processing module (Col. 6, lines 50 – 58, Coss); and

communicating said combination to a network data processing module so as to direct the management of network data by said network data processing module (Col. 6, lines 50 – 58, Coss);

wherein said first table is structured such that the number and type of parameters of said associated parameterized rules are modifiable without modifying the structure of said first table (Col. 4, lines 1 – 14, Coss).

### ***Response to Arguments***

14. Applicant argues that the applied art fails to disclosed the amended limitation; “said first table is structured such that the number and type of parameters of said at least one primary metarule are modifiable without modifying the structure of said first table”.

Examiner respectfully disagrees. The applied art does disclose such amended limitation (See for example, rejection of claim 1 included in this Office Action above).

***Conclusion***

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

***Prior Art Made Of Record***

1. Underwood (US Parent No. 6,704,873 B1, filed July 30, 1999) discloses a secure gateway interconnection in an e-commerce based environment.
2. Underwood (US Patent No. 6,718,535 B1) discloses a system, method and article of manufacture for an activity framework design in an e-commerce based environment.
3. Liu et al. (US Patent No. 6,839,680 B1) discloses an Internet Profiling.
4. Coss et al. (US Patent No. 6,170,012 B1) discloses methods and apparatus for a computer network firewall with cache query processing.
5. Coss et al. (US Patent No. 7,143,438 B1).



***Points Of Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Giovanna Colan whose telephone number is (571) 272-2752. The examiner can normally be reached on 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Giovanna Colan  
Examiner  
Art Unit 2162  
January 25, 2008

  
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PRIMARY EXAMINER